

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 20, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL**No. 250**

Introduced by Senator Campbell

February 15, 2005

An act to amend the heading of Chapter 14 (commencing with Section 13400) of Division 5 of, to amend Section 13401 of, and to add Article 5.5 (commencing with Section 13446) to Chapter 14 of Division 5 of, the Business and Professions Code, relating to hydrogen fuels.

LEGISLATIVE COUNSEL'S DIGEST

SB 250, as amended, Campbell. Department of Food and Agriculture: hydrogen fuel standards.

Existing law requires the Department of Food and Agriculture to adopt specifications for gasoline or automotive spark-ignition fuels for use in internal combustion engines and motor vehicles and to use by reference the latest standards of the American Society for Testing and Materials (ASTM). Existing law also makes it unlawful for any person to sell, offer for sale, or cause or permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product as a fuel for internal combustion engines at any place where petroleum products are kept or stored for sale, which does not conform to these provisions, unless specified requirements are met.

This bill would add hydrogen fuels to these provisions for use in internal combustion engines and fuel cells in motor vehicles, require the department, by January 1, 2008, to initially establish specifications for hydrogen fuels and fuel cells for these purposes, until ~~the ASTM International~~ *a standards development organization accredited by the American National Standards Institute (ANSI)* adopts standards, and require that the department then adopt by reference the latest standards established by ~~ASTM International~~ *the ANSI-accredited standards development organization* for these fuels.

Because a violation of these provisions is a misdemeanor, the bill by expanding the definition of a crime would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 14 (commencing with
2 Section 13400) of Division 5 of the Business and Professions
3 Code is amended to read:

4
5 CHAPTER 14. PETROLEUM AND HYDROGEN FUELS

6
7 SEC. 2. Section 13401 of the Business and Professions Code
8 is amended to read:

9 13401. (a) "Sell" or any of its variants means attempt to sell,
10 offer for sale or assist in the sale of, permit to be sold or offered
11 for sale or delivery, offer for delivery, trade, barter, or expose for
12 sale.

13 (b) "Manufacturer" means manufacturer, refiner, producer, or
14 importer.

15 (c) "Petroleum products" means gasoline, diesel fuel, liquefied
16 petroleum gas only when used as a motor fuel, kerosene, thinner,
17 solvent, liquefied natural gas, pressure appliance fuel, or white

1 gasoline, or any motor fuel, or any oil represented as engine
2 lubricant, engine oil, lubricating or motor oil, or any oil used to
3 lubricate transmissions, gears, or axles.

4 (d) “Barrel,” when applied to petroleum products, consists of
5 42 gallons.

6 (e) “Oil” means motor oil, engine lubricant, engine oil,
7 lubricating oil, or oils used to lubricate transmissions, gears, or
8 axles.

9 (f) “Motor oil” means engine oil, engine lubricant, or
10 lubricating oil.

11 (g) “Gasoline” means a volatile mixture of liquid
12 hydrocarbons, generally containing small amounts of additives,
13 suitable for use as a fuel in spark-ignition internal combustion
14 engines.

15 (h) “Engine fuel” means any liquid or gaseous matter used for
16 the generation of power in an internal combustion engine or fuel
17 cell. “Motor fuel” means “engine fuel” when that term is used in
18 this chapter.

19 (i) “Motor vehicle fuel” means any product intended for
20 consumption in an internal combustion engine or fuel cell to
21 produce the power to self-propel a vehicle designed for
22 transporting persons or property on a public street or highway.

23 (j) “Diesel fuel” means any petroleum product offered for sale
24 which meets the standards prescribed for diesel fuel by this
25 chapter.

26 (k) “Kerosene” means any petroleum product offered for sale
27 which meets the standards prescribed for kerosene by this
28 chapter.

29 (l) “Fuel oil” means any petroleum product offered for sale
30 which meets the standards prescribed for fuel oil by this chapter.

31 (m) “Automotive spark-ignition engine fuel” means any
32 product used for the generation of power in a spark-ignition
33 internal combustion engine.

34 (n) “Compression-ignition engine fuel” means any product
35 used for the generation of power in a compression-ignition
36 internal combustion engine.

37 (o) “Gasoline-oxygenate blend” means a fuel consisting
38 primarily of gasoline along with a substantial amount of one or
39 more oxygenates. For purposes of this section, “substantial
40 amount” means more than 0.35 mass percent oxygen or, if

1 methanol is the only oxygenate, more than 0.15 mass percent
2 oxygen.

3 (p) "Oxygenate" means an oxygen-containing, ashless, organic
4 compound such as an alcohol or ether, which can be used as a
5 fuel or fuel supplement.

6 (q) "Developmental engine fuel" means any experimental
7 automotive spark-ignition engine fuel or compression-ignition
8 fuel which does not meet current standards established by this
9 chapter but has characteristics which may lead to an improved
10 fuel standard or the development of an alternative fuel standard.

11 (r) "Hydrogen" means a fuel composed of the chemical
12 hydrogen intended for consumption in an internal combustion
13 engine or fuel cell.

14 SEC. 3. Article 5.5 (commencing with Section 13446) is
15 added to Chapter 14 of Division 5 of the Business and
16 Professions Code, to read:

17

18 Article 5.5. Standards for Hydrogen

19

20 13446. On or before January 1, 2008, the department, with
21 the concurrence of the State Air Resources Board, shall establish
22 specifications for hydrogen fuels for use in internal combustion
23 engines and fuel cells in motor vehicles ~~until the time that the~~
24 ~~ASTM International~~ *a standards development organization*
25 *accredited by the American National Standards Institute (ANSI)*
26 formally adopts standards for hydrogen fuels for use in internal
27 combustion engines and fuel cells in motor vehicles. The
28 department shall then adopt by reference the latest standards
29 established by ~~ASTM International~~ *the ANSI-accredited*
30 *standards development organization* for hydrogen fuel for use in
31 internal combustion engines and fuel cells in motor vehicles,
32 except that no specification or standard shall be less stringent
33 than is required by state law.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the
39 penalty for a crime or infraction, within the meaning of Section
40 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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